

## REMARKS

Applicants respectfully request reconsideration of the present application.

1. **Disposition of the Claims and Specification**

Claims 3-7, 11-12, and 36-38, and 40 are pending. Claims 8, 18, 20-21, 23-24, 31, 35, and 39 are cancelled. Claims 1-2, 9-10, 13-17, 19, 22, 25-30, and 32-34 are withdrawn.

Claims 11, and 38 are currently amended to remove non-elected subject matter. Claims 3, 12, 36-38, and 40 are also amended. Support for the amendments to claim 3 may be found in the specification, for example, at page 1, lines 10-16; page 2, lines 30-31; page 13, lines 26-29; and in SEQ ID NO:1. Support for the amendment to claims 12, 36-38, and 40 may be found in the specification, for example at page 13, lines 26-29 and in SEQ ID NO:3.

Because the foregoing amendments do not introduce new matter, entry thereof by the Examiner is respectfully requested.

2. **Oath/Declaration – Non Initialed or Non Dated Alterations**

The Examiner finds the oath or declaration defective under 37 C.F.R. § 1.52(c), for having non-initialed or non-dated alterations by Y. Tom Tang. Applicants hereby submit a new declaration executed by Y. Tom Tang that complies with 37 C.F.R. § 1.52.

3. **Oath/Declaration – Identification of Specification**

The Examiner additionally finds the oath or declaration defective because the specification to which the oath or declaration is directed has not been adequately identified, i.e., the title of the application on the declaration is different from that on the specification and other papers.

Applicants hereby submit new declarations executed by Yalda Azimzai, Henry Yue, and Y. Tom Tang that comply with the identification requirement of 37 C.F.R. § 1.63.

**4. Specification**

The Examiner objected to the specification for containing an embedded hyperlink. Applicants have identified two internet addresses at page 14, line 35 and page 15, line 4 and have amended the specification to remove the embedded hyperlinks.

**5. Claim Objections**

Claims 11-12, 35 and 38 are objected to for reading upon non-elected subject matter. In response, Applicant has amended claims 11 and 38 to remove non-elected subject matter. Claim 12, which is dependent from claim 11, accordingly, no longer contains non-elected subject matter. Claim 35 is canceled. Applicants respectfully request withdrawal of this objection.

**6. Claim Rejections – 35 U.S.C. § 112**

Claims 3, 6, and 7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner reasons that it is unclear what Applicants consider to be “sorting nexin activity.”

Applicants respectfully disagree with the Examiner. However, to expedite prosecution, Applicants have amended claim 3 to more precisely define “sorting nexin activity” as “localization and transport activity within a cell.” Support for the amendment to claim 3 may be found in the specification, for example, at page 1, lines 10-16 and at page 2, lines 30-31.

**7. Claim Rejections – 35 U.S.C. § 102(a)**

Claims 11 and 35-36 are rejected under 35 U.S.C. § 102(a) as being indicated by Tanaka *et al.* The Examiner states that Tanaka *et al.* discloses the RNA equivalent of a polynucleotide with complete identity to nucleotides 54-73 of SEQ ID NO:3. Applicants do not agree with the Examiner. However, to expedite prosecution, Applicants have amended claims 11 and 36 to recite “comprising the full-length sequence depicted in SEQ ID NO:3.” Claim 35 is canceled. Applicants respectfully request reconsideration and withdrawal of the rejection.

**8. Claim Rejections – 35 U.S.C. § 102(b)**

Claims 3, 11-12, and 35-40 are rejected under 35 U.S.C. § 102(b) as being indicated by Myers. The Examiner explains that Myers teaches a human sequence tagged site having complete identity to nucleotides 1324-1466 of SEQ ID NO:3. Therefore, the Examiner argues that Myers anticipates a fragment of at least 10 contiguous amino acids of SEQ ID NO: 1, a polynucleotide of at least 60 contiguous nucleotides of SEQ ID NO:3.

With respect to claims 3, 12, 38-40, Applicants respectfully disagree with the Examiner. However, to expedite prosecution, Applicants have amended claim 3 to recite a polypeptide fragment consisting of at least 150 contiguous amino acids of SEQ ID NO: 1. Support for the amendment to claim 3 may be found in the specification at page 13, lines 26-29. Applicants have amended claims 12, 38, and 40 to recite a polynucleotide comprising at least 500 contiguous nucleotides of SEQ ID NO:3. Support for the amendment to claims 12, 38, and 40 may be found in the specification at page 13, lines 26-29. Claim 39 is canceled. Applicants respectfully request reconsideration and withdrawal of the rejection.

With respect to claims 3, 11, and 35-37, Applicants respectfully disagree with the Examiner. However, to expedite prosecution, Applicants have amended claims 11 and 36-37 to recite “comprising the full-length sequence depicted in SEQ ID NO:3.” Applicants have amended claim 3 to recite “comprising the full-length amino acid sequence depicted in SEQ ID NO:1.” Claim 35 is canceled. Applicants respectfully request reconsideration and withdrawal of the rejection.

**9. Claim Rejections – 35 U.S.C. § 102(e)**

Claims 3, 7, 11-12, and 35-36 are rejected under 35 U.S.C. § 102(e) as being anticipated by Byatt *et al.*, which discloses a sequence 99.25% similar to encoded amino acids 205-337 of SEQ ID NO:1.

With respect to claims 3 and 12, Applicants respectfully disagree with the Examiner. However, to expedite prosecution, Applicants have amended claim 3 to recite a polypeptide fragment consisting of at least 150 contiguous amino acids of SEQ ID NO: 1. Support for the amendment to claim 3 may be found in the specification at page 13, lines 26-29. Applicants

have amended claim 12 to recite a polynucleotide comprising at least 500 contiguous nucleotides of SEQ ID NO:3. Support for the amendment to claim 12 may be found in the specification at page 13, lines 26-29. Additionally, Applicants note that claim 7 depends on amended claim 3.

With respect to claims 3, 11, and 35-36, Applicants do not agree with the Examiner. However, to expedite prosecution, Applicants have amended claims 11 and 36 to recite “comprising the full-length sequence depicted in SEQ ID NO:3.” Applicants have amended claim 3 to recite “comprising the full-length amino acid sequence depicted in SEQ ID NO:1.” Claim 35 is canceled. Applicants respectfully request reconsideration and withdrawal of the rejection.

**10. Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 7/7/04

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